

**MINUTES OF THE REGULAR PLANNING BOARD MEETING
MONDAY, AUGUST 11, 2008
COUNCIL CHAMBERS, CITY HALL
2263 SANTA CLARA AVENUE – 7:00 PM**

President Kohlstrand called the meeting to order at 7:07 p.m.

FLAG SALUTE: Board member Cunningham led the flag salute.

ROLL CALL:

PRESENT: President Kohlstrand, Vice-President Ezzy Ashcraft, Board members, Cunningham, Lynch and McNamara.

ABSENT: Board members Autorino and Cook.

STAFF PRESENT: Jon Biggs, Planning Services Manager/Secretary to the Planning Board; Assistant City Attorney Farimah Faiz, Supervising Planner, Cynthia Eliason; Althea J. Carter, Executive Assistant/Recording Secretary.

MINUTES:

Minutes for the meeting of July 14, 2008 - Pending
Minutes for the meeting of July 28, 2008 - Pending

5. AGENDA CHANGES AND DISCUSSION:
None.

6. STAFF COMMUNICATIONS:

6-A. Future Agendas

Staff provided an update on future agenda items.

6-B. Zoning Administrator Report

The August 5, 2008 Zoning Administrator meeting was canceled.

President Kohlstrand requested that staff report on the status of the project slated for the Island High site. Staff requested the update be deferred to the next Planning Board meeting when staff members familiar with the project would be present to provide a comprehensive report.

Vice President Ezzy Ashcraft stated that the maximum density for the Island High site is 18 units. She does not understand how the number increased to 36 units. She looks forward to hearing from staff at the next meeting.

7. ORAL COMMUNICATIONS:

- Anyone may address the Board on a topic not on the agenda under this item by submitting a speaker's information slip, subject to the 5-minute time limit.

None.

8. CONSENT CALENDAR:

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Board or a member of the public by submitting a speaker slip for that item.

8-A. Grand Marina Village Residential Development Street Names – Warmington Homes (Applicant). The applicant is requesting approval of proposed street names for the previously approved Grand Marina Village Residential project. (AT).

Board member Cunningham moved and Board member McNamara seconded the motion to approve the Consent Calendar. The motion passed with the following voice vote: 5-0-0.

9. REGULAR AGENDA ITEMS:

9-A. PLN08-0153 – General Plan Amendment –2400 Mariner Square Drive. The applicant is requesting a General Plan Amendment for the MU2 Mariner Square Specific Mixed Use Area to permit additional office use. The site is located at 2400 Mariner Square Drive within M-2-PD General Industrial (Manufacturing) Planned Development Zoning District. (CE). (Continued from June 23, 2008).

Cynthia Eliason presented the staff report. Staff is recommending denial of the proposal.

In response to a Board inquiry staff responded that the Carriage House was a restaurant previously located at this site. The restaurant burned and was reconstructed. Originally, there was office space on the second floor of the building and the restaurant on the ground floor. After the fire, the building was to be reconstructed as office space only.

In response to an inquiry by the Board staff responded that this proposal relates to the old Chevy's restaurant only.

The public hearing was opened.

Board member McNamara moved and Board member Lynch seconded the motion to limit the speakers time to 3 minutes. The motion passed unanimously (5-0-0).

Alfredo Kawas spoke in favor of the proposal.

Ernest Pierucci spoke in favor of the proposal. He is the attorney for a business currently located in San Leandro, that would move to this location should it be converted to office space. He previously represented several yacht brokers with businesses in Mariners Square. Currently there is only one yacht business located at Mariners Square. The current configuration of Mariners Square prevents small businesses from establishing locations at this site. The activity that used to take place in this location provided clients for the restaurant. These clients no longer exist.

Steve Farrand, attorney representing the applicant, spoke in favor of the proposal. The applicant purchased the restaurant in 1992 and in 1993 the restaurant had its highest gross sales. In 1996 shortly after the applicant purchased the restaurant the military announced the closure of the naval base resulting in a loss of 18,000 jobs. The staff report does not discuss whether a restaurant is viable in this location. On August 31, 2006 Chevy's decided to vacate this location and since that time the current owner has not received a viable offer to lease the building as a restaurant.

Yola Jurzykowski, applicant, spoke in favor of the proposal. The property has been vacant for two years and in that time she has not received a financially viable offer to lease the space as a restaurant. She understands staffs desire to keep a restaurant on this site but it is not economically feasible. If she is not allowed to convert the building to office space she believes the building will remain vacant due to the lack of qualified restaurant lease requests.

Onju Updegrave, architect for the applicant, spoke in favor of the proposal. She wanted to clarify a misstatement by staff. As of today, the Carriage House has not been rebuilt. 5,000 sf of office space was approved for the Carriage House but the rebuild has not taken place.

Pauline Kelly spoke in favor of the proposal. She doesn't understand why elder care facilities and storage are allowed in this area but not the type of use requested by the applicant.

Lars Hansson spoke in favor of the proposal. He works for a company currently located in San Leandro that would relocate to Alameda. Economic conditions in this area have changed making this location no longer viable for a restaurant. The relocation of the business from San Leandro to Alameda benefits Alameda's tax base.

Christos Marras, owner of Gold Coast Grill in Alameda, spoke in favor of the proposal. As a 32 year resident of Alameda and local restaurant owner he has observed the

changes that have taken place in the restaurant business over the years. He supports the applicants' request.

Cheryl Canaday, owner of Recovery Resources in San Leandro and Alameda resident, spoke in favor of the proposal. Should the applicants proposal be approved she would lease the space. She has 25 employees and is prevented from moving to other affordable office locations in Alameda because of the parking requirements that are imposed on a business with this number of employees. She lives and pays taxes in Alameda and would like to relocate her business here.

The public hearing was closed for Board discussion.

Board member Cunningham asked whether the option exists for a conditional use to allow office space for a specified period of time rather than a wholesale change to the area.

Staff responded that the General Plan is not a timed document. Office use is permitted in this area so zoning is not the issue. The General Plan prevents this use in this area.

President Kohlstrand asked if the proposal were approved what percentage of space in this area would be office space?

Staff did not have that information available.

Board member Cunningham stated the goal of the Planning Board is to activate the waterfront and he is in support of staff's position to want to retain this site as a restaurant. He does not believe an office use at this site precludes waterfront access. He is concerned that the property is vacant and with approval of the proposal, the space would be occupied. From an economic perspective, it would make sense to put the space to use. If the proposal were approved, he would like to retain the option to convert the site to restaurant use.

Vice President Ezzy Ashcarft stated that the Board had often heard comments from residents regarding limited waterfront access in Alameda. She believes with proper marketing people would patronize a restaurant in this area. In the Marina Village Parkway there is a glut of available office space as well as in other parts of Alameda. She believes with the plans for Alameda Landing this area will generate more foot traffic. She is concerned about preserving waterfront access.

Board member Lynch stated that he believes this proposal is a good case study of vacuum planning. This is a case of economics and general plan designations. The General Plan is a City's guide for future planning. General Plan Amendments are limited to four a year. In this case he believes a General Plan Amendment is the correct way to go. A viable business has departed and the use has changed. Development of Alameda Point opens up residential and commercial opportunities. He would not support a proposal for residential use at this location but office use would not prevent waterfront

access. A viable business is willing to relocate to this location. He is in support of a General Plan Amendment for this proposal.

Board member McNamara does not support the application. The zoning was in effect when the owner purchased the property. With the planned redevelopment taking place in the area she believes a restaurant would do well in this location.

President Kohlstrand had reservations about changing the General Plan and believes changes to it should be made cautiously. She is swayed by testimony heard tonight. She believes policies should be flexible. Zoning in the area does permit office although the amount of office space is restricted. She would like the Board to consider a different percentage limitation of office space to provide flexibility in the area and to allow for a restaurant to be located in this area in the future should an opportunity present itself. She would support an increase in the percentage of office space allowed in this area. She asked for staff's input on this direction.

Staff responded that upon direction by the Board staff would construct policies to achieve an increase in the amount of office space allowed in the area and present the information to the Board at a future meeting.

A Board discussion ensued on President Kohlstrand's suggestion. Board member Cunningham is in support of President Kohlstrand's suggestion but would like to retain the ability to convert the site back to a restaurant in the future.

Board member Lynch asked what percent would not trigger an inconsistency finding.

Staff responded none. The applicant is asking that the 20% cap in the General Plan be eliminated and for an increase from 5,000 sf to 10,000 sf of office space.

Board member Lynch asked if staff could construct a policy to modify the percentages but keep in tact the General Plan.

Staff responded yes.

Board member Lynch asked if the Board decided to go in that direction the point would be to preserve the General Plan so that no General Plan Amendment is required.

President Kohlstrand asked if the 20% limit was for each individual use or in total for the entire area.

Staff responded that it is for the entire area. There is a 5,000 sf limitation as well.

President Kohlstrand asked what is the size of the site.

Staff responded a little less than 6,000 sf

Board member McNamara stated she would like to know what would be the potential future consequences for taking this action.

President Kohlstrand stated that since the future of this area is unknown she is in favor of some flexibility at this time.

Board member Cunningham asked if there would be any change to waterfront access by approving this proposal.

Staff responded no. There is the issue of allowing an office use that is not water related.

Board member Lynch stated he thinks of public access to the water but views the businesses as private. He would not support a use that diminishes public access.

Vice President Ezzy Ashcraft stated that it appears that maintenance was deferred on this building intentionally to make it not feasible economically thereby creating this situation where another use would be considered. The Board does not know how aggressive the owner was in marketing the building as a restaurant. This is a unique part of the waterfront and the Board should be careful with decisions that will change it.

President Kohlstrand stated she does not believe there is a consensus among the Board. She asked if the applicant would like to continue working with staff to prepare a proposal that the Board would support.

Board member Lynch stated he would like staff and the applicant to incorporate the Boards comments into any future resolution. The applicant should present a proposal for a specific amount of square feet. The Board will vote that amount up or down and eliminate the need for a General Plan Amendment. He asked staff if that was correct.

Staff responded no. Board member Lynch's suggestion would still require a General Plan Amendment.

President Kohlstrand stated that was the case because the Board would be changing the square footage.

Staff asked the Board for clarification on whether they are asking for a modification to the resolution presented tonight or a brand new resolution taking into consideration comments the Board made tonight. Staff inquired whether the Board was considering modifying the percentages or the amount of square feet in the General Plan.

President Kohlstrand stated the Board is not looking for a specific square foot number but she would suggest not going over 10,000 square feet. She does not want to eliminate percentages altogether just consider other options.

Board member Cunningham moved and Board member McNamara seconded the motion to continue this item to the regularly scheduled Planning Board meeting of September 8, 2008. The motion passed by the following voice vote: 5-0-0.

9-B. Planned Development Amendment, Major Design Review - PDA05-0004, DR05-0073 - 523 South Shore Center - Harsch Investment Corp. The applicant requests approval of Planned Development Amendment and Major Design Review entitlements and certification of an Environmental Impact Report (EIR) for redevelopment and expansion of Alameda Towne Centre. The project includes redevelopment of the site, resulting in full build-out of up to approximately 706,650 square feet of gross leasable floor area, construction of a new parking structure, pedestrian, bicycle and transit improvements, new signage and other minor site improvements. (DG). (Continued from July 14, 2008).

Staff addressed issues raised by the public and the Board at the previous Planning Board meeting on July 14, 2008. Staff's report tonight will address the following 1) noise specifically for residential property on Otis Drive near the shopping center area; 2) adequacy of the traffic study; and 3) general concerns from the Board regarding future development of the center.

Regarding noise on Otis Drive staff's investigation included the code enforcement department surveying the area with a decibel meter. Code enforcement found no violations of city noise standards. Noise generated by the shopping center, including a parking lot sweeper, was substantially less than the traffic generated on Otis Drive. Noise was not identified as having a significant impact in the Environmental Impact Report (EIR). There are conditions in the resolution presented tonight that prohibit more intensive activities within 200 feet of residential properties, which goes above and beyond requirements.

Regarding the traffic study, the City retained a third party consultant, Dowling & Associates, to have licensed engineers review the original study prepared for this project. Dowling & Associates also reviewed the traffic study plan for the Transportation Element Update of General Plan. They concurred with the methodology used to prepare the study and noted that it complied with the requirements of the City. Dowling also noted that many of the assumptions used in the original study were extremely conservative and projected a greater number of trips than are likely to occur. In some cases, it was overstated as much as 50% more than what Dowling found in their own studies from 2007. Staff believes this is a very conservative traffic study and the study has accounted for full build out of the center. Mitigation measures to reduce impacts to less than significant levels have been identified. Dowling noted that because of the methodology required by the City's traffic study guidelines, it could be argued that the analysis is "segmented" under CEQA. Staff has addressed this argument in the EIR and concluded is that it is not segmented.

Regarding the Board's concerns on the total square footage of the Centre, the applicant is requesting approval for 680,000 square feet of retail space. An additional 25,000 sf could be requested in the future. The applicant will address the Board's philosophical questions about how big the Centre should be and what is the right size for Alameda. Staff will defer to the applicant to describe future plans and visions for the Centre. Staff will focus on the process. The resolution presented tonight is more restrictive than what has been approved in the past. It puts concrete restrictions on what can be done and a clear path on how to proceed, based on the environmental impacts evaluated for a 706,000 sf shopping center. The future small reallocations come under design review and are typically addressed at the staff level. There is a provision that if any building expands by more than 25%, the request would need to come before the Board. There is a cap on the size of the center based on many factors identified in EIR. The resolution makes clear what triggers a new plan development amendment and what can be approved under design review. The proposal presented tonight allows for changes up to 5% of the total center, current city zoning regulations allow up to 25% of the total center. This proposal is more restrictive. The resolution is consistent with what was approved in 2003, and improves upon the 2003 language by also capping how many times the center can expand.

The applicants' representatives, Mike Corbett and Monique Lee, addressed the Board. Mike explained that during the design phase the focus was on creating a village atmosphere, landscaping, and safety. The cedar on the buildings is evidence of the dedication to the vision. The landscaping is the soul of the project. It softens the look and creates a comfortable place to walk. The design intentionally makes it easier for bikes and pedestrians to navigate through the Centre. The applicant worked with Bike/Walk Alameda, and has been responsive to their suggestions. Signage has been created with a high level of craftsmanship, working with local artisans. Lots of artwork has been included at the Centre and 12 history panels about Alameda have been created. Harsch has spent 80 million dollars on the Centre and no part of the renovation has been subsidized by the city.

Vice President Ezzy Ashcraft asked who were the people in the last photo.

The applicant responded they are real Alamedans. He described the extra bike racks added to encourage bicycle riding to and from the Centre. He explained that the center court is used for evening gatherings for celebrations and concerts. Kohls is scheduled to open in April 2009. Orchard Supply Hardware is expected to move in Spring 2009 depending on the outcome of the appeal.

President Kohlstrand moved to limit speakers time to three minutes.

Cathy Fong spoke in support of the proposal. She is a 21 year resident of Alameda and urged the Board to approve the EIR as it stands. She would like to see the project move forward as quickly as possible.

Blake Brydon, President of the Alameda Chamber of Commerce, spoke in support of the proposal and the EIR. He believes the review completed on traffic and the EIR is thorough. He believes the development company has exceeded expectations, and the need for jobs and sales tax in Alameda is important.

Melody Marr, CEO Alameda Chamber of Commerce, asked that the Board approve the proposal. The Chamber is planning a "Shop Alameda" promotion and as auto dealerships in the city close, it is important to encourage new sources of revenue to maintain city services.

Claire Risley spoke in opposition to the proposal. She is a resident on Grand Street and at times it resembles the 880 freeway. She urged the Board not to approve the EIR. She does not think it provides a complete analysis of the traffic. She would prefer that a decision on the proposal be delayed until current ongoing construction is approved, vacant sites are occupied, then perform an analysis of the traffic. She distributed a site plan that shows vacant space in the center.

Holly Sellers spoke in opposition to the proposal. She asked the Board not to certify the EIR until all questions are addressed. Since the draft EIR was published no new information has been added. She believes the proposal gives the applicant a blank check to construct a parking garage with fewer transit improvements than required in 2003. The sidewalk promised before Safeway opened has not been put in. She believes the parking ratio is not high enough.

Dorothy Reid spoke in support of allowing what has already been approved to be built. She is opposed to any additions or changes. She would prefer to see the applicant complete what has been approved then another traffic study should be done to assess impacts. She doesn't believe there is any harm in denying the EIR and the expansion, and revisiting the applicants request after completion.

Christine Healey previously provided comments to the Board regarding noise impacts on the neighborhoods surrounding the Centre. She has spoken with neighbors some of whom are elderly and English may not be their first language. The neighbors have complained of the noise. She is not against growth, but is against a diminished quality of life and lower property values. She does not support extension of business hours at the Centre or 24 hour truck deliveries.

John Mascali spoke in support of the proposal. He has worked with Harsh and although he is not a tenant if the Centre, Harsch has been great to work with. He owns two Burger King franchises nearby. Sales have dropped with the new development but he is in support of the center, and believes it is good for the community. The sidewalk issue and noise are both attributable to Burger King, and he is changing his business to take care of these issues. He supports approval of the proposal and certification of the EIR.

John Knox-White stated that a little over two years ago he asked questions regarding the EIR, and believes staff has worked hard to answer his questions. He has worked with Harsh on behalf of transit and alternate transit advocates, although they did not always see eye-to-eye, Harsch has always worked in good faith. He does not agree with staffs' response to some of the comments from the transportation commission. For example regarding Otis Drive instead of adding new lanes we recommended staff look at reducing lanes to add a 2-way left turn lane. Staffs' response was "comment noted" – he does not understand what that means. He also made suggestions regarding the addition of bike lanes on Park Street to facilitate bike route connections. Staff's response was to move the bikes elsewhere.

Eugenie Thomson agrees that Harsch should complete the current plan and urges the Board not to approve the requested expansion. She believes the transportation study is technically inadequate for the following reasons: the traffic study is not based on reality and her previous comments are not addressed; a planner from Dowling conducted the peer review of an engineers document; methodologies are inconsistent with the Highway Capacities Manual; the report did not recognize key lane changes; and the volume assumptions are not conservative. She stated that in 2005 the counts were low because the stores were not yet built or not yet operating. The comparisons with the Transportation Element EIR are not valid. She stated that her letter of July 14th was not included with agendas or on web.

Pat Gannon gave her three minutes to Eugenie Thomson.

Eugenie Thomson hired an independent company called Traffic Data Services. She would like to know why the level of service was worse at Park and Otis than the theoretical levels in the city study. She wanted to know why no other kind of analysis was done and why was there no good access for fire trucks and buses. She urged the Board to consider an expansion only with an updated traffic study.

Geoffrey Kline agreed with E. Thompson. If the developer does not correct problems now the city and residents will be responsible for correcting them in the future.

Kurt Libby agrees with comments from Anne Cooks letter. He is concerned about traffic. Trucks entering Alameda from the bridges go down Broadway and are coming and going all night. He has noticed a lot more traffic on Broadway than in the last couple of years, making it difficult for residents to back out of driveways. He has to wash traffic related dust and soot from his house every few months and the traffic makes it too noisy for outdoor conversation. He stated these are new problems since the Centre has been under reconstruction. He is located 1.3 miles from the center, and not included in the area covered by the traffic study. He believes there is a need to expand the area covered by the traffic study.

Stanley Davis, a representative of Kohls Department Store, spoke in support of the proposal. He stated that Kohls expects 2-3 deliveries per week, from a distribution center 80 minutes away. The drop off and pick up trailer will take only 10-15 minutes

per delivery. Trucks will not be still with engines idling. Kohls is very excited to be in Alameda and wants to be the best neighbors possible. The extended hours of operation are being requested for the convenience of customers.

In response to an inquiry by the Board, Mr. Davis stated that deliveries would take place between 7am and 10pm and that unloading would be done by hand not with a forklift. He also stated the store hours of operation would be 7am:10pm weekdays, 7am:11pm weekends, and holiday shopping hours would take place in November and December from 7am to midnight.

Tom & Dori DeTurk, owners of Loards Ice Cream at Alameda Town Center, spoke in support of the proposal. They stated that 3 years ago the South Shore Mall was downsizing and the work Harsh has done on the Centre has been nothing short of a miracle. They are not traffic/EIR experts, but believe Harsh is a good corporate citizen and easy to work with. Dori has seen three generations of kids at the ice cream store, and has enjoyed working with Harsh, and would like to see them move forward and bring in Kohls as a good anchor store to help small independent businesses succeed.

Fred Reid spoke in opposition to the project. Two years ago he submitted "Letter 17" with three very specific questions regarding numbers used for baseline and cumulative analysis. He has been working in this area for many decades, and presented specific discrepancies he found between the city observations and other sources of data. His comments were answered with procedural statements. He believes the city is wrong. He does not understand how Dowlings numbers for traffic on Otis Drive in 2003 can be less than those in this report.

Phil Freitas spoke in favor of the project. He is impressed with the transformation Harsch has done to the centre and is happy about its revitalization. He urged the city to certify the EIR and move the project forward.

Susan Decker spoke in favor of the project. She is glad the centre is not near a freeway since it means people can walk to it. She is happy to have the business so close, and would like to see that progress continue. The area is becoming more vibrant but more can be done. She has seen Harsch respond to accommodate bike and pedestrian access. She is sorry for people who live right across from the Centre, but these neighbors should expect an increased amount of noise living next to a shopping mall.

Michael Krueger, a member of the Transportation Commission, spoke in favor of the proposal. He wanted to provide follow up to Mr. Knox-White's comments, specifically comment #32-8 trying to put pedestrian/biking amenities that sometimes requires reducing space for car parking stalls. He urged the planning board to recommend parking reduction if it can help accommodate pedestrians and bikes. This is a different type of shopping center being pedestrian and bike friendly. It is one of the most accessible malls he has ever seen, and that is why he is suggesting a further reduction of parking. He suggests having sidewalks on both sides of the street when the traffic signal is installed. As an Alameda resident, he is very happy with the changes so far,

understands the need for an anchor store, and stated that we need to support the small businesses in the Centre.

Walter Schlueter spoke in favor of the proposal. He stated that Harsh had been a responsible and good neighbor, and produced a quality shopping center, that is unusual for a town of this size. Harsch has invested millions of dollars in the city and has a long term vision for enjoyable shopping for Alamedans. The Centre allows Alamedans to shop in town generating sales tax revenue that would help balance the City budget. He encourages the Board to approve the project.

Marilyn Schumacher spoke in support of the proposal. She disliked the old shopping center and is in awe of the new center. She rides her bike to the Centre every day. She loves the lighting and quality of the materials used.

Karen Bey spoke in support of the project. She supports the expansion and would like to see the city refine the retail strategy to locate similar retailers in one location.

The public hearing was closed for Board discussion. The board agreed to a five minute break.

President Kohlstrand suggested a structured discussion. She stated that the Board could collectively agree that there is a belief in Alameda that changes that have occurred at the center have been positive for the city. She stated three overriding issues: 1) Is the infrastructure provided onsite and adjacent to the centre adequate to meet the needs of the expansion so far? If the shopping center expands, has the analysis adequately addressed the level of infrastructure primarily regarding traffic and transportation, 2) What should the maximum size of the center be? Should the Board consider additional expansion. 3) Neighbors have addressed the operational noise issues along Park, Otis and Broadway, which are considered issues of livability.

President Kohlstrand stated she would like the Board discussion to begin with the environmental issues, then move to design and size issues. She stated that Board member Cook was unable to attend this meeting, but sent a letter where she expressed her reservations about certifying the EIR due to concerns about lighting, unfulfilled promises regarding infrastructure improvements, dust control during construction, and approving additional square footage.

President Kohlstrand asked staff if there were issues that were not related to the EIR that the Board could deal with independently of EIR certification.

Staff responded that if the applicant's proposal is denied, there are prior approvals the applicant could act on. The applicant could renovate but not expand the Centre and could not expand into the shoreline area. The sign program would be affected if the proposal was denied.

Vice President Ezzy Ashcraft asked if the Board should identify specific concerns with

EIR.

President Kohlstrand responded yes.

Staff explained the EIR process as it relates to the project.

Board member McNamara stated she wanted to address and reconcile the differing opinions regarding traffic. She wondered why there is such a discrepancy between what the document states and public comments that have been received. She asked if prior public comments had been responded to satisfactorily. She stated the information is quantitative, and should not be subjective. She stated she is not comfortable with the Dowling review.

Staff responded that asking for opinions from different experts in the same field will sometimes yield differing opinions.

President Kohlstrand asked if the study was conducted by a traffic planner not an engineer. Her concern is whether the base of the data is outdated. The traffic situation has changed in the last few years as a result of the changes in Alameda including overall revitalization. She has observed more traffic in the Otis/Park street area and can see the need to re-count traffic levels.

Vice President Ezzy Ashcraft would like to focus on mitigation measures and accelerate the initiation of these measures.

Staff stated that mitigation measures associated with the driveway at Trader Joes were identified for cumulative growth to 2025. The city may require implementation of the mitigations earlier if traffic levels warrant.

President Kohlstrand stated that some mitigations had specific language in the 10 year range, some were more open ended.

Board member Lynch stated that he believed it was up to the applicant to consider accelerating the implementation of identified mitigation measures.

Board member Cunningham stated that there was no question that Harsh had created a great center, and the expansion might make it a bigger place and attract even more people. He believes the discussion should focus on whether this is an appropriate project for Alameda. He stated that if the automobile lots are leaving Alameda focus should be on expanding and improving all areas that can use retail, rather than making the shopping center a mega center. The board needs to discuss whether a second garage deck is appropriate and what should the building limits be. The EIR does not look at aesthetic aspects. He believes there is a fundamental problem with staff looking for board approval of design of this new addition without public review. If he were to give an answer today, he would not approve the project because he is uncomfortable with it. He believes the Board should start with the fundamental question which would

be, is this the right project for this location.

A Board discussion ensued on the merits of the project and whether the Board should discuss the appropriateness of the project for the site.

President Kohlstrand stated that certifying the EIR does not constitute approval of the project. The Board could decide to certify the EIR and choose to approve less square footage for expansion.

A Board discussion ensued on whether to discuss the EIR first and then the project or whether to discuss the project first.

Board member Lynch stated that there are questions about the expansion, but in terms of some of the smaller stores/restaurants they were designed in response to previous comments by the Board. He believed the Board discussion should focus on Kohls and the parking structure.

Board member Cunningham stated that he does not have an issue with waterside restaurants and the proposed sign program. He is concerned about the expansion.

Board member Lynch stated that in regards to the EIR he would agree that as it relates to issues regarding traffic, he is comfortable that it is adequate as far as CEQA. He would be comfortable with specific recommendations, but not discussing the merits of the methodology used.

President Kohlstrand agreed with Board member Lynch. She would like to focus on the EIR, because it is hard to grasp how big the project would be. Many people would like to see the shoreline developed and infrastructure in place as a way to help the centre get tenants. Perhaps traffic counts could be monitored in the future as more development occurs. She stated that the Board should focus on traffic, and transportation and noise in terms of an environmental discussion. She referred the Board to page five of the EIR resolution and asked if any Board member had issues with it.

None of the board members had issues with page five of the EIR resolution.

In response to an inquiry by the board regarding the left turn lane onto Park Street, staff described the details of the lane, and stated it was linked to phase 3 of the redevelopment plan which is expected to occur in 2010 when major expansion of the centre will occur. There is language that could mean it may occur sooner.

President Kohlstrand stated that a specific time frame for the improvements is not stated, only for the contribution.

A board discussion ensued regarding adding a sentence to the resolution specifically stating when construction would commence with deadlines for installation and linking

the expansion to phase two rather than phase three since there appears to be a need for the improvements now.

President Kohlstrand invited the applicant to address the Board.

Randy Kyte, representing Harsh, addressed the Board. He stated that arbitrarily changing implementation of the mitigation measures to phase two disregards the fact that the nexus for these measures was determined to be in phase three.

A board discussion ensued on the mitigation measures planned for phase two and phase three.

Randy Kyte stated it is a matter of fairness, and Harsch would like to be treated the same as any other applicant. If the nexus is determined to be in phase three he would like that timeline to be respected. He is willing to deal with identified impacts but does not want to be treated unfairly.

Vice President Ezzy Ashcraft stated she appreciated the work done by Harsh, and believes there is a spirit of wanting to move forward, but the applicant should not have to bargain in public, this can be done privately and revisited publicly.

President Kohlstrand stated she understood the applicants' position and would like to find a way to move the project forward.

Randy Kyte stated he would agree to tighter mitigations.

President Kohlstrand stated the Board needed to tighten the timeline.

Staff stated that phase two of the redevelopment covers the period from 2008-2010. Changing the mitigation timing may hold up issuance of building permits.

A board discussion ensued regarding correlating contributions to issuance of the first permit in phase three.

Board member Cunningham moved and Board member McNamara seconded the motion to adopt the Environmental Impact Report as amended. The motion passed 5-0.

Peter Galloway clarified when traffic counts were taken for the traffic analysis. His firm also performed traffic counts in 2003. The most recent counts were done in 2005. At that time, the center was undergoing renovation and some driveways were blocked off. As a result city staff had the highest 2003 counts incorporated into the document. Counts from at least four intersections were taken. Dowling performed more recent traffic counts for the Transportation element update in 2007.

A board discussion ensued regarding Mitigation Measure 10-2 and adding language that states the city can make the determination to implement this mitigation, using level

of service as a trigger, and considering that this mitigation may not be needed.

President Kohlstrand stated that Mitigation 10-3 pertains to the Shoreline and access to the post office. She stated the applicant is 100% responsible for this mitigation, or the city can determine if the level of service is no longer acceptable. She asked if the board had any other comments regarding the environmental resolution.

Board member Lynch asked about other traffic concerns.

President Kohlstrand stated those are not listed as significant environmental impacts, but are community and city concerns that need to be addressed.

A board discussion ensued regarding other traffic issues including traffic flow and street light timing and whether the developer or the City should address these issues. The board directed staff to refer the community comments regarding traffic issues to the City engineering department, and report back to the Board.

Board member Cunningham asked how and when level of service is determined. He asked that this issue be addressed and included in the report.

President Kohlstrand had suggested language be added specifying what constitutes an acceptable level of service.

In response to an inquiry by the board regarding how the City determines level of service staff responded that the City has published Traffic Study Guidelines.

President Kohlstrand asked if the Board had any additional comments on the environmental document.

Board member Lynch stated that substantive changes had been made and he would like to see those changes incorporated into the final version.

Vice President Ezzy Ashcraft stated the board could move to adopt the resolution as amended so it would not be necessary to return this item to the board.

President Kohlstrand stated she felt comfortable with Vice President Ezzy Ashcraft's suggestion.

Board member McNamara stated she was also comfortable with the suggestion.

The Board approved, by a vote of 5-0, to approve the Environmental Impact Report as amended.

President Kohlstrand approved a five minute break. A motion to extend the meeting until 11:30 p.m. was approved.

President Kohlstrand stated that the second resolution has to do with approving the planned development amendment and major design review for redevelopment and expansion at the Alameda Town Centre. This includes the overall size of the project, the addition of a parking garage, redevelopment of the shoreline area and the existing medical offices adjacent to Office Depot, and addition of other infrastructure improvements. She suggested the Board address the outdoor activities and signage and infrastructure improvements before addressing the expansion.

Vice President Ezzy Ashcraft suggested the Board address the size issue first because public comments are fresh.

Board member Lynch stated he does not see the Board getting through the entire discussion tonight. The resolution is written such that the Board must approve the project in its entirety.

President Kohlstrand stated the Board would probably not get through the entire expansion discussion by 11:30. She suggested starting the discussion with the other issues.

Board member Cunningham stated the Board could approve portions of the application and return to any other elements.

Staff stated the Board could consider taking a vote on aspects of the project where there are no concerns, and then focus on the major issue of expansion.

Board member Lynch stated that people would be okay with biking pedestrian signage issues. He inquired how the Board could reopen the issue for public discussion.

A Board discussion ensued regarding Board member Lynch's question.

Vice President Ezzy Ashcraft suggested the Board use the remaining time for discussion on this project.

Staff stated that the sign program is time sensitive for the applicant.

Board member Lynch inquired how could the Board break apart a resolution that has been noticed to the public.

Assistant City Attorney stated that the Board could consider a motion as long as the same findings are in the resolution.

President Kohlstrand requested that the Assistant City Attorney assist with the correct language when the Board is at the point of crafting a resolution. She then asked if the Board had any concerns regarding the signage program.

President Kohlstrand states she had one issue. She believed the signing is marvelous,

but there were wall mounted signs for major tenants 6' tall, on the exterior of the center, and a couple in the interior pedestrian walkway. She wanted to know why this configuration was implemented.

Monique, on behalf of the applicant, stated that those signs are only used for the major tenants over 50,000 sf, currently just Kohl's and Safeway.

Vice President Ezzy Ashcraft asked for clarification on how the size of the signs are determined.

The applicant responded that going out 50 feet from the facades was not enough and the Borders sign which was put in caused light impacts.

The Assistant City Attorney clarified an earlier statement. The sign issue is not dealt with in the resolution and allows the Board to prepare a motion regarding signs.

Board member Lynch moved to approve the sign program per the July 2008 staff report incorporating the sign program starting on page 8 of 14 and identified in attachment 4, and any conditions contained in the resolution applicable to the sign program.

President Kohlstrand stated she had one concern. She would like to condition the planned development agreement to stipulate that the sidewalk lost when Target went away (adjacent to the parking area between the post office and the TJ Maxx, and also one adjacent to the parking area near OSH) be provided by the applicant.

Staff responded that the Post office sidewalk is planned, and the other sidewalk has been removed.

President Kohlstrand agreed that there are tradeoffs, but does not think it will put more traffic to Whitehall and Franciscan. She believes the plan should provide access but remove the number of access points to facilitate pedestrian uses. The next time the Board discusses this issue, we should have some sense of what the parking ratio is with and without that sidewalk to make an informed decision. She asked that this topic be put back on the table as part of the master plan.

Board member McNamara confirmed that the sidewalk requested at the July 14 meeting was the one in front of the dentists office although it is not on the diagram.

Staff confirmed that this particular sidewalk is included.

Vice President Ezzy Ashcraft stated she would like to see an overlay showing truck routes to and from the center, especially as the routes relate to Orchard Supply Hardware as it is close to a children's dentist office. It would help the Board decide conditions for hours of delivery. She would like staff to provide this information on a separate map including streets.

Staff responded that there are city truck maps, but not specified driveways they enter and exit from.

Vice President Ezzy Ashcraft asked if the truck drivers decide which route to take.

Staff responded that the city ordinance only requires truck drivers stay on routes to destination. They are allowed some flexibility.

President Kohlstrand stated that the Board has certified the Environmental Document and approved the sign program, and identified some issues for further discussion at the next meeting. She asked if there was anything else on the table.

Staff responded that if the Board had concerns about the hours of operation those concerns could be addressed.

President Kohlstrand stated that outdoor activities/special events are permitted from 9am-9pm subject to compliance with city noise standards. Generally speaking the center is open 6am –12am and any activities outside those hours require special permission.

Vice President Ezzy Ashcraft stated there have been complaints about the noise from leaf blowers etc., there is a provision prohibiting these activities within 200 feet of a residence between 10pm and 7am, but then on pg 12, paragraph 43, mitigation measure regarding construction, limits noise generation more tightly. Perhaps it would help neighbors if maintenance equipment noise limits are considered within 300 feet instead of 200 feet and not time restrictions.

Staff responded that 200 feet is easy to identify, 300 feet is in the middle of the parking lot without a clear landmark, which makes it difficult to implement.

The applicant (Mike Corbett) stated that 300 feet is an issue, because Safeway is open 24 hours. The applicant has been very accommodating for a single person who has complained about noise, and has addressed all complaints. Not being able to street sweep while the lot is empty makes it difficult to keep the lot clean. The 300 foot distance is a real issue.

Board member Cunningham asked if businesses at the Centre accept deliveries 24 hour a day.

Staff responded that if a business is open 24 hours it can accept deliveries during those hours under previously granted entitlements.

President Kohlstrand stated that with the exception of being within 200 feet of a residence.

Vice President Ezzy Ashcraft stated she was alarmed by the idea of Kohl's opening

early and closing late, and the Christmas closing hours of midnight.

President Kohlstrand stated she thinks they would have to alter overall operating hours to change that.

Board member McNamara stated that perhaps these extended holiday hours are becoming the norm. She does not see a problem with that and believes store hours should be driven by a business decision.

President Kohlstrand stated she believes there is a general consensus to stay with the hours of operation and the time limitations that the staff has put forward, along with the 200 feet limitation adjacent to residential uses, and also with respect to outdoor activities.

Board member Cunningham moved to approve items 8, 9, and 10. The motion passed unanimously.

Vice President Ezzy Ashcraft requested that the next time this item comes before the Board it is placed at the beginning of the agenda.

President Kohlstrand stated that the Board had already approved item 11. She asked when the item would be before the Board again. She asked if it could be presented on September 22, 2008. She asked if at that time the public hearing would be open or closed.

The Assistant City Attorney stated the public comment period does not have to be reopened.

President Kohlstrand stated there is always an open public comment period at all Planning Board meetings, and the public can comment on items not specifically listed on the agenda.

Board member Lynch believed the public comment period should be reopened, the project should be renoticed, and it should be stated that specific items are open for comment and discussion by the Board.

Vice President Ezzy Ashcraft agreed with Board member Lynch.

President Kohlstrand stated there was consensus among the Board to keep the public comment period open.

Staff asked to clarify the Board discussion regarding the sign program. There was a condition in the resolution related to the signage, there weren't any findings in the resolution, and there was a reference to an attachment four by one of the planning board members and that attachment was the Master Sign Program that was being proposed (page 6 of 14).

President Kohlstrand thanked everyone for their patience and input.

A motion to continue the item was approved unanimously.

10. WRITTEN COMMUNICATIONS:

Item 10A: Summerhouse, an apartment project, had approval for the design of a new community building. The applicant submitted a revised design for review. Staff asked if the Board would prefer the design review be handled by staff the Board.

President Kohlstrand requested the Board review the new design.

11. BOARD COMMUNICATIONS:

Board members may ask a question for clarification, make a brief announcement or make a brief report on his or her activities. In addition, the Board may provide a referral to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning a City matter or, through the chair, direct staff to

None

12. ADJOURNMENT: 11:37 p.m.

Respectfully submitted,

Jon Biggs, Secretary
City Planning Board

This meeting was audio and video taped.